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March 18, 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

JONATHAN EPSTEIN
202-828-1870
jepstein@hklaw.com

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington D.C.

Re: Petition for Rule Making to Modify Channel Allotment
for Television Station KECI-DT, Missoula, Montana, RM-10172

Dear Ms. Dortch:

Enclosed please find an original and four copies of Eagle Communications, Inc.'s AMENDMENT TO PETITION FOR RULEMAKING TO ADDRESS CANADIAN INTERFERENCE CONCERNS in the above-referenced proceeding. Please date stamp the enclosed extra copy and return it with the messenger.

If you have questions regarding this filing, please do not hesitate to contact the undersigned counsel.

Sincerely,



Jonathan Epstein
Holland & Knight LLP
Counsel for Eagle Communications, Znc.

WAS1 #1167277 v1

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Before the
FEDERAL COMMUNICATIONS COMMISSION
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MAR 18 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Petition for Rule Making
to Modify Channel Allotment
for Television Station KECI-DT
(Missoula, Montana)

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MM Docket No. _____
RM-10172

To: Chief, Video Division
Media Bureau

**AMENDMENT TO PETITION FOR RULEMAKING TO ADDRESS CANADIAN
INTERFERENCE CONCERNS**

Eagle Communications, Inc. ("Eagle"), licensee of KECI-TV, Missoula, Montana, by their attorneys and pursuant to the Commission's rules, respectfully request that the Commission consider this amendment to the above-referenced petition for rulemaking to amend the digital television table of allotments and reinstate coordination with Canadian authorities regarding this proposal

On March 21, 2001, Eagle filed a petition for rule making proposing to substitute Channel 5 for Channel 13 for use by KECI-DT, Missoula, Montana (the "Eagle Petition").¹ In October 2002, Eagle reached agreement with KXLF Communications, Inc., licensee of KXLF-TV, regarding KXLF's petition to use Channel 5 in Butte, Montana and both parties withdrew their oppositions to each other's petitions. The Commission has not yet released a Notice of Proposed Rule Making in response to Eagle's petition for rule making.

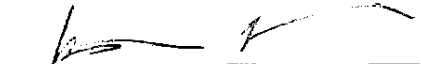
¹ RM-10172 (File No. BPRM-20010322ACG)

Eagle has been advised that Canadian authorities have objected to the proposed change due to potential interference to CFCN-TV-4 ("CFCN") a class B, NTSC television station in Burmis, Alberta. Although the Canadian authorities' specific concern is unknown, Eagle has undertaken the attached engineering analysis. Based on this analysis, Eagle believes that the proposed operation of KECI-DT on Channel 5, separated from CFCN by 279.40 kilometers of mountainous terrain over 2000 meters in height, would fall well short of causing interference within the protected area of CFCN. See attached Engineering Statement of Jules Cohen, P.E.

Wherefore Eagle requests that the Commission reinstate coordination with Canadian authorities regarding this proposal

Respectfully submitted,

EAGLE COMMUNICATIONS, INC.

By: 
David A. O'Connor
Jonathan M. Epsrein

Its Attorney

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W
Suite 100
Washington, DC 20006
(202)955-3000

Enclosure

Dated: March 18, 2003



**ENGINEERING STATEMENT ON BEHALF OF
EAGLE COMMUNICATIONS, INC.
KECI-DT, MISSOULA, MONTANA
FCC FILE NO. BPRM-20010322ACG**

This engineering statement was prepared on behalf of Eagle Communications, Inc. ("Eagle"), licensee of KECI-TV, Missoula, Montana, relative to a pending rule making proposing to change the KECI-DT channel assignment from channel 40 to channel 5 (File No. BPRM-20010322ACG). Eagle proposes to operate KECI-DT on channel 5 with effective radiated power of **9.83** kilowatts and antenna height above average terrain of 616 meters

Eagle has been advised through its attorneys that the Canadian authorities have objected to the proposed change due to potential interference to CFCN-TV-4 ("CFCN") , a Class **13** NTSC television broadcast station in Burmis, Alberta. Appendix 1B of the Letter of Understanding Between the Federal Communications Commission of the United States of America and Industry Canada Related to the use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 470-806 MHz Bands for the Digital Television Broadcasting Service Along the Common Border ("LOU") shows CFCN to be at the geographic coordinates 49-31-54 N, 114-11-37 W. The KECI-TV and proposed KECI-DT geographic coordinates are at 47-01-14 N, 114-00-47 W. The calculated great circle path distance from KECI-DT to CFCN is 279.40 kilometers at a bearing of 357.3 **degrees**. Table 4.2.9 shows the minimum distance for DTV to NTSC Class VL to Class B stations to be 269 kilometers, approximately 10 kilometers less than the actual spacing between KECI-DT and CPC". However, Table 4.3.1 of the LOU shows the maximum permissible

Jules Cohen, P.E.
Consulting Engineer

parameters for a Class **VL** DTV station during transition to be an ERP of 7 kW at a height above average terrain of 300 meters. Presumably, this is the basis for the Canadian objection (although no advice has been received as to the specifics of the objection)

In the LOU statement of understandings, item 5 includes the following: "A study using pertinent HAAT obtained from terrain data and TV propagation curves will be performed. If the study shows interference, then a study using the Longley-Rice propagation model will be performed." A study using the Longley-Rice propagation model shows that KECI-DT operation as proposed on channel 5 falls far short of causing interference within the protected service area of CFCN.

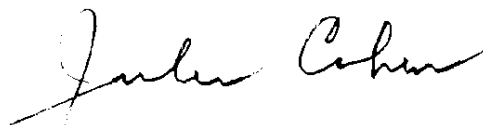
Maximum permissible parameters for a low VHF Canadian NTSC Class B facility during the transition period is ERP of 1.2 kW and HAAT of 150 meters. Such a facility has a service area extending approximately 45 kilometers from the transmitting antenna location. **At** the closest location, that would place the protected area at approximately 234 kilometers from KECI-DT. The angular range centered at KECI-DT and subtended by the 45-kilometer radius from CFCN extends clockwise from approximately 348 to 006 degrees. Radials were studied at two-degree intervals over that arc. As a simplifying assumption, the protected area for CFCN was taken to be at a distance of 234 kilometers on all bearings

Particularly in the vicinity of the US/Canada border, the mountainous area includes elevations ranging from a minimum of 2003 meters to as much as **2,682** meters along the ten radials studied. Additional barriers of substantial elevation were found on some radials both closer to the transmitting site and in Canada short of the CFCN

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Consulting Engineer

protected service area. A Longley-Rice analysis showed f(50,10) minimum excess terrain loss of approximately 71 dB to a maximum of 87 dB. At 234 kilometers from the proposed operation of KECI-DT operating with ERP of 9.83 kilowatts, the free space received signal strength would be 69.44 dBu. Subtracting the excess terrain loss, the f(50,10) potentially interfering signal ranges from approximately -18 dBu to -2 dBu. Applying the DTV-to-NTSC desired-to-undesired ratio of 33.8 dB, as specified in Section 2, Appendix 2 of the LOU for DTV into NTSC for co-channel stations, results in a conclusion that CFCN would be protected to signal levels as low as 16 dBu to a high of 32 dBu.

The foregoing establishes that, because of the substantial terrain barrier between the two stations, operation of KECI-DT as proposed will not cause interference to the reception of CFCN-TV-4.



Jules Cohen, P.E.

March 13, 2003



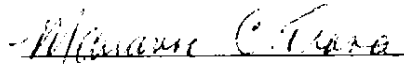
CERTIFICATE OF SERVICE

I, Marianne C. Trana, of HOLLAND & KNIGHT LLP, hereby certify that true copies of the foregoing Amendment to Petition for Rulemaking was delivered via hand delivery and e-mail to:

Nazifa Naim
Media Bureau
Federal Communications Commission
445-12th Street, SW
Washington, DC

Pam Blumenthal
Media Bureau
Federal Communications Commission
445-12th Street, SW
Washington, DC

James McLuckie
International Bureau
Federal Communications Commission
445-12th Street, SW
Washington, DC


Marianne C. Trana

I, Marianne C. Trana, certify that the FCC Registration Number (FRN) listed below **is** true and correct to the best of my knowledge, information and belief,

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